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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in South Africa

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the preliminary report on the situation of human rights in South Africa prepared by the Ad Hoc Working Group of Experts on southern Africa of the Commission on Human Rights in accordance with Commission resolution 1993/9 of 26 February 1993 and Economic and Social Council decision 1993/257 of 28 July 1993.

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I. INTRODUCTION

1. The Commission on Human Rights, at its forty-ninth session, adopted resolution 1993/9 of 26 February 1993, in which it decided to renew for a further period of two years the mandate of the Ad Hoc Working Group of Experts on southern Africa, established pursuant to Commission on Human Rights resolution 2 (XXIII) of 6 March 1967. In resolution 1993/9 the Commission requested the Working Group, inter alia, to continue to examine the situation regarding the violations of human rights in South Africa and to submit an interim and a final report to the Commission at its fiftieth and fifty-first sessions, respectively, and preliminary reports to the General Assembly at its forty-eighth and forty-ninth sessions.

2. The Working Group is currently composed of the following six members, serving in their personal capacity and appointed by the Commission on Human Rights: Mr. Mikuin Leliel Balanda (Zaire), Chairman/Rapporteur; Mr. Felix Ermacora (Austria), Vice-Chairman; Mr. Armando Entralgo (Cuba); Mr. Elly-Elikunda Mtango (United Republic of Tanzania); Mr. Zoran Pajić (Bosnia and Herzegovina); and Mr. Mulka Govinda Reddy (India).

3. The Commission on Human Rights, at its forty-ninth session, in accordance with resolution 1993/9, requested the Government of South Africa to allow the Ad Hoc Working Group of Experts to visit that country to gather information from concerned individuals and organizations in order to ascertain the situation of human rights in South Africa.

4. In pursuance of that request, once again, the representative of the Government of South Africa was approached. The Assistant Secretary-General, on behalf of the Working Group, addressed a request on 1 March 1993. A delegation of Members of Parliament, who had had consultations with the Assistant Secretary-General at Geneva and had expressed their interest in facilitating a visit by the Working Group, was also approached by him. On 6 April 1993, the Chairman of the Working Group further renewed the request on behalf of the Group for a visit to South Africa in order to ascertain the situation of human rights in that country. Further informal contacts resulted in an indication from the Permanent Representative of the Government of South Africa to the United Nations Office at Geneva that the visit was not considered advisable given the present delicate situation in the country. The Working Group regrets the consistent failure of the Government of South Africa to respect the requests of the Commission to facilitate the Group's visit in order to evaluate the prevailing situation of human rights. The Group continues to hope that the competent authorities in South Africa will concede to the resolutions of the Commission on Human Rights and allow a visit before the fiftieth session of the Commission.

5. In order to fulfil their reporting responsibilities to the General Assembly and the Human Rights Commission, the Working Group, in keeping with past practice, heard testimonies outside South Africa. The Group conducted hearings at Gaborone from 16 to 19 August 1993 and at Harare from 20 to 27 August 1993 for the purpose of receiving evidence and hearing testimony from individuals and organizations having first-hand experience with the situation in South Africa. The topics on which the Working Group received evidence and heard testimony were the following: conditions after the repeal of certain apartheid legislation

(including health and education), right to life, detention and deaths in police custody, cases of torture and ill-treatment, capital punishment and executions, administration of justice, political trials, detention, torture and ill-treatment of children, trade union activities, constitutional negotiations and the situation regarding the escalating violence resulting in deaths.

6. During the course of meetings held at Gaborone, testimony was heard from representatives of the African National Congress (ANC), the Independent Board of Inquiry and the Anti-Censorship Action Group. Testimony was also given by concerned individuals.

7. The Working Group gathered further evidence at Harare from representatives of the Human Rights Commission of South Africa, the National Association of Democratic Lawyers, Lawyers for Human Rights, the ANC, the Centre for Applied Legal Studies of the University of Witwatersrand and concerned individuals.

8. The Working Group received testimony at Geneva from representatives of the International Labour Office (ILO) regarding the recent development with respect to trade union law and the situation of Black workers in South Africa. The special report of the Director-General of ILO to the eightieth session of the International Labour Conference on the application of the Declaration concerning Action Against Apartheid in South Africa will be evaluated by the Working Group in its final report to the Commission on Human Rights at its fiftieth session.

9. The Working Group heard testimony from a total of 15 witnesses.

10. The present report, which should be read in conjunction with the Working Group's latest report to the Commission on Human Rights (E/CN.4/1993/14), is a brief evaluation of the principal developments of the human rights situation in South Africa between February and September 1993. It was adopted by the Working Group on 30 September 1993.

II. RIGHT TO LIFE

A. Escalation of violence

11. The Working Group noted that the situation regarding violence appeared to be very encouraging in the initial months of 1993 and that deaths and injuries had diminished considerably. However, the situation began to change soon after constitutional negotiations began and the death-toll rose, especially after the Multiparty Negotiating Forum decided that elections would take place on 27 April 1993, leading to the formation of the Transitional Executive Committee. It would appear that violence continues to escalate. According to statistics published by the Human Rights Commission of South Africa, 554 deaths were recorded in August 1993 alone, the third highest figure recorded. It was reported that the average daily death rate came to 18, which was more than double the average death rate for the previous three years. The representative of the Human Rights Commission of South Africa informed the Working Group that 2,000 people had been killed in political and other violence during the first seven months of 1993 and close to 3,000 had been injured. The witness said that since August 1992 the violence had shifted from the Pretoria/Witwatersrand/Vaal area to the Natal region. In recent months, however, the violence returned to

the former area. According to the information submitted by the representative of the Human Rights Commission of South Africa, the deaths in that area during July 1993 accounted for more than half the national death toll.

Assassination of Chris Hani

12. Politically motivated violence achieved its peak in the senseless assassination of Chris Hani, the Secretary-General of the South African Communist Party, in April 1993, the most disturbing event at a time when such strenuous efforts had been undertaken by all parties concerned to reach a negotiated settlement for a constitutional framework that would allow the deprived majority of South Africa to establish a multiparty democratic government. As progress is made towards a consensus, extremist reactions are inevitable from some quarters. On the other hand, it must be noted that there appears to be a genuine attempt to work towards peace and reconciliation evidenced by the fact that a White woman, a neighbour of Mr. Hani, was instrumental in the arrest of a suspect in his murder thanks to her speedy intervention. According to the representative of Lawyers for Human Rights, during the tense and volatile situations that followed, it was through the structures of the National Peace Accord, as well as appeals from the leaders of all groups, that violent incidents were prevented during the funeral ceremonies. This was due in part to the fact that the National Peace Accord committees are in a position to establish contact at the local level as well as undertake the task of facilitating and maintaining peace, a role that is vital, in the face of the increasing violence.

B. Detention without trial

13. It was reported that 117 people had been detained during the first seven months of 1993 under section 29 of the Internal Security Act. Four of them were still in detention at the end of July 1993. Under section 50 of the Act, which allows for 14 days' preventive detention, 74 detentions were recorded. On the other hand, no detentions were recorded during that period under section 31 of the Act. It was further reported that 21 people were still being held under the Unrest Areas Regulations.

14. Under equivalent legislation in the so-called "homelands", which remains unchanged, 55 detentions were recorded in Bophuthatswana. The Working Group noted that according to information received from the Human Rights Commission of South Africa no such detentions were recorded in Transkei, Ciskei and Venda.

C. Death in detention and police custody

15. According to the representative of the Human Rights Commission of South Africa, no deaths in detention were recorded during the first seven months of 1993. However, during the same period, 25 deaths while in police custody were recorded. In this connection, the Working Group was pleased to note the reported establishment in March 1992 under the National Peace Accord of the Police Board. It was reported that the Board was to be launched in the Witwatersrand/Vaal area and was expected to be operational by the end of 1993. The representative of the Human Rights Commission of South Africa further

reported that local committees were to conduct announced spot checks on police cells and that, with the agreement of the police, under a "visitors' programme", a panel of civilians would be allowed to examine police cells at any time during the day or night in order to interview any prisoner and subsequently report on the visit. A police register, to be kept at local police stations, was to be established in order to keep a record of those arrested as well as details of the place where they were being detained. Furthermore, all this information was to be made available to those directly concerned and affected by the arrests.

16. The representative of the Human Rights Commission of South Africa referred to several inquests into deaths in police custody and referred to cases where, subsequent to the inquiries, members of the South African Police were suspended from duty, pending investigations or a decision by the Attorney-General. Decisions by the Attorney-General to prosecute policemen involved in deaths of persons while in police custody were also brought to the attention of the Working Group by the representative of Human Rights Commission of South Africa.

17. It was reported in the Amnesty International Newsletter of September 1993 that, in a rare move, the Attorney-General from Witwatersrand had announced in July that a police lieutenant was to be charged with the murder of Bethuel Maphumulo, who was killed while in custody in 1990. The decision to prosecute, it was further reported, came in the wake of a campaign by the Maphumulo family, lawyers and human rights activists, who had struggled for more than two years to convince the authorities to bring charges against the police officer accused of responsibility for the killing. It was reported that the case was scheduled to be heard by the Supreme Court.

D. Political trials

18. According to information received by the Working Group, political trials continue under the Internal Security Act: during the period from January to June 1993, it was reported that 90 trials had been completed involving 860 accused. Of those accused persons, 145 were convicted, 211 acquitted, 403 had all charges against them withdrawn and 79 pleaded guilty and were fined. Twenty-one of them absconded and one was granted indemnity. The representative of the Human Rights Commission of South Africa further reported that at the end of July 1993 81 political trials were in progress involving 827 accused.

E. Political prisoners

19. It was reported by the representative of the Human Rights Commission of South Africa that the Joint Scrutiny Committee set up in 1992 for the purposes of identifying political prisoners who qualify for release as political prisoners had the names of 49 persons categorized as prisoners who qualified for release. The Committee had already assessed 13 of them who were still in prison as political prisoners and 17 were still under review. The Human Rights Commission of South Africa lists the remaining 19 as political prisoners and therefore entitled to be considered for indemnity. 1/

F. Executions

20. The Working Group was informed that no executions had taken place during the period under consideration, although 302 people were known to be on death row and 29 of them were sentenced to death during the course of 1993 in relation to criminal offenses.

III. BANTUSTANS

21. As previously reported on several occasions by the Working Group and according to recent information received from Africa Watch, the Working Group once again emphasizes that under apartheid as originally conceived, all Black South Africans were to lose their South African citizenship and instead become citizens of the so-called "independent States" within South Africa's borders. Although all substantial ethnic groups of purely African origin in South Africa were eventually allocated to a particular homeland, the system was never entirely implemented. Many Africans continued to live - legally or illegally - in areas officially designated for Whites only; moreover, only four of the homelands (Transkei, Bophuthatswana, Venda and Ciskei, "the TBVC States") ever became nominally independent. The remaining six are known as "self-governing territories" and do not have sovereign status within South African law though they do theoretically have a large measure of legislative and executive autonomy. In practice, there has been little difference for their inhabitants between the nominally independent TBVC States and the "self-governing territories". Although the Government of South Africa in 1991 repealed the major legislation implementing apartheid within South Africa outside the homelands, the statutes setting up the homelands remain in force.

22. The reincorporation of the so-called "homelands" into the Republic of South Africa has been one of the most contentious points at the multilateral negotiations for a transition to majority rule, which began in 1990. The Government of South African has argued that the reincorporation of some of the "homelands" requires the consent of the Governments concerned, because it treats them as sovereign States. In the case of the self-governing territories, the Government of South Africa passed legislation in 1993 that makes provision for the jurisdiction granted to the six "non-independent" homelands to be revoked. Nevertheless, this power is to be exercised only "with the consent or at the request of the Government of the self-governing territory concerned".

23. In August 1992, it was reported that the Government of South Africa was planning to give control of an additional 1.2 million hectares of land to the self-governing territories of KwaZulu, QwaQwa and Lebowa. 2/ Further land would also be offered to KaNgwane, KwaNdebele and Gazankulu. According to the Government's own analysis, more than half of this land is already developed and occupied on a permanent basis. Approximately 600,000 hectares of the land was designated for transfer to KwaZulu. According to information received, the Government refused to release details of the exact location of the land affected, which was only publicized after research at the Deeds Office by the Association for Rural Advancement (AFRA), a non-governmental organization involved in development and land issues. The areas affected are spread throughout Natal and include communities that previously opposed incorporation into the homeland. There was an immediate outcry at the transfer proposals from

a wide variety of organizations, including the ANC, as well as human rights and development groups. (A joint press release condemning the Government's proposal was released by AFRA, the Black Sash, the Centre for Adult Education of the University of Natal, Pietermaritzburg, Five Freedoms Forum, the Human Rights Commission, Lawyers for Human Rights, the Legal Resources Centre, the Natal Midlands Rural Development Network Executive, the Pietermaritzburg Association for Christian Social Action and the South African Catholic Bishops Conference.)

24. The land to be transferred was previously held by the South African Development Trust (SADT), a body established by the Development Trust and Land Act of 1936 to hold land intended for eventual incorporation into the homelands. Following the repeal of the Development Trust and Land Act by the Abolition of Racially Based Land Measures Act of 1991, SADT was abolished on 1 April 1992. The land it held was transferred to the Ministry of Regional and Land Affairs (formerly the Department of Development Aid), which is responsible for the self-governing territories, and it is this land that is now being transferred to homeland control. Although the details of the transfer remain obscure, it was stated by Deputy Minister of Land Affairs Johan Scheepers that the land to be transferred would remain part of South Africa, subject to South African legislation, but that the rendering of services on the land concerned would be a joint venture. It has not been made clear what exactly this joint administration will entail. According to information received in previous cases where land has remained technically part of South Africa but administration has been by a homeland, there has been no practical difference from complete transfer of ownership.

25. In its 1991 White Paper on Land Reform, the Government of South Africa acknowledged that there was no basis for further incorporation of land into the homelands. During multilateral negotiations in 1992 it was also agreed by all parties, including the Governments of the self-governing territories, that there should be a moratorium on further transfers of land. However, the Government has described the new transfers as "in accordance with the principles and guidelines contained in the Government's White Paper on Land Reform", on the grounds that full ownership was not being transferred to the homelands. The transfer of administrative control was a compromise agreed to because the Government had "come under increasing pressure from the six territories to fulfil the old promises of land transfer".

26. While the Governments of Lebowa and QwaQwa agreed to the transfer of joint administrative control under the scheme proposed by the Government, the KwaZulu Government argued that full authority over the land should be transferred to it.

27. On 1 February 1993, Deputy Minister of Land Affairs Johan Scheepers was reported to have said that the Government would not put a moratorium on the land transfers. In June 1993, two acts (the Regulation of Joint Executive Action Regarding Certain Land Act 109/1993 and the Joint Administration of Certain Matters Act 99/1993) were enacted empowering the State President to give effect to agreements for the joint administration of land outside the self-governing territories. In August 1993, South Africa and KwaZulu announced that a compromise had been reached on the land allocated to KwaZulu. The transfers would go ahead, although KwaZulu would not obtain full authority, South Africa retaining the right to control policing and education, with other services being jointly administered. Two highly sensitive areas, Clermont (a township outside

Durban that had previously fought a long battle against incorporation) and Edendale (an area near Pietermaritzburg that has been a centre of bitter violence), would be excluded from the transaction. According to information received, no land has yet been transferred under this agreement.

28. The Working Group was informed that during the initial period of constitutional negotiations, there had been no adequate reference to or discussion of the question of the homelands.

IV. FREEDOM OF THE PRESS

29. The Working Group was informed by a representative of the Anti-Censorship Action Group that there was an increase in attacks on journalists and members of the press corps. She referred to the events during the commemorative meetings and marches for the day of mourning of Chris Hani, as well as instances when attempts were made, on other occasions, to report on or photograph crowds looting shops or indulging in arson. She referred to an attack on a cameraman and a South African Broadcasting Corporation journalist on 23 April 1993, which resulted in the death of the latter. The increase in such events had led to a resolution at the annual congress of the South African Union of Journalists to set up permanent structures with the main political parties to discuss attacks on journalists.

30. The Working Group also noted that, according to information received after allegations were made of irresponsible press reporting, the Goldstone Commission had requested the Press Council to investigate the role of the media in the current escalation of violence, especially in relation to incidents such as those which took place during a march at Thokoza that ended in the death of 13 people.

31. Proposals are currently under consideration to reorganize the South African Broadcasting Corporation.

V. EDUCATION

32. The representative of the national Children's Rights Committee in the course of her testimony referred to all the encouraging and positive changes that had taken place, in particular the Interim Measure of Local Government Act of 1991, which had been passed to allow local committees to negotiate their own models of non-racial local government until the constitution was finalized. She also referred to the Child Care Amendment Act of 1991, which aimed to enable adoptions of children without racial considerations. She further referred to the Education Affairs Amendment Act of 1992, which was passed to facilitate procedures whereby schools could admit pupils of other races and to the initiation of procedures to desegregate hospitals and eliminate discrimination in the entitlements of pensions which were previously based on race. She said that in spite of those legal changes, the actual situation in areas such as health, education and social welfare had not yet improved because of difficulties associated with availability, affordability and accessibility.

33. Furthermore, she informed the Working Group that the child population (under 19) in South Africa in 1991 had been recorded as 17,585,922. Children under five years of age in 1991 made up 36 per cent of the total South African population and only 7 per cent of those under five years of age had access to pre-school education and care. The National Education Policy Investigation on Early Childhood Educare had expressed the need to coordinate education, primary health care, social welfare, housing and development programmes to meet the needs of children in an integrated way. Its report also highlighted the tension between the need for effective family and community participation in educare provision and the need to promote national unity and to distribute resources to redress the iniquities of apartheid in terms of an overall development plan. Iniquities in the South African educational system were greatest in respect of educare and basic primary schooling, which perpetuated inequality of performance. In that connection the differential treatment in the provision of educational facilities inherited from the apartheid system remained and no financial provision was made for African children of pre-school age. That practice stemmed from a discriminatory way of budgeting in the educational system, which still maintained the structure of apartheid. The witness stressed the importance of moving beyond legislative changes in terms of a negotiated settlement and undertaking the promotion of a culture of learning and teaching, which had been destroyed. Violence had made access to schools extremely dangerous in affected areas and those African children who did manage to get to schools spent very little time in formal learning.

34. The representative went on to say that, owing to apartheid structures, which provided for separate discriminatory educational systems based on race, compulsory education at the primary and secondary school level was not provided for all African children and it was a discretionary matter for the different departments, which are governed by their own statutes. She referred to a proposal recently adopted by the Government to introduce compulsory education for at least nine years, for which the State would assume primary responsibility. The National Education Policy Investigation (1992) and the ANC, among others, had made various proposals for restructuring a phased transition of the existing system, which was run under 19 different departments. According to the witness, compulsory primary and junior secondary education would require an additional 125,617 teachers and 11,044 classrooms, the total costs of which would be more than 2 billion rand. To implement compulsory education in the Department of Education and homeland schools, an additional 18,059 teachers would be needed. In view of the natural link with early childhood development programmes, an increase in possible access to primary education would undoubtedly lead to a greater fulfilment of aspirations for higher education. In that context, the representative expressed the need to support the Transitional Executive Council and to encourage it to work closely with democratic structures to achieve acceptable solutions.

VI. TRADE UNION RIGHTS

35. It was reported that political changes leading up to the formation of the Transitional Educative Council had had a strong influence on trade union rights and labour laws in South Africa. Several bodies connected with trade union rights bodies had changed their composition and had resulted in multiracial forums. The National Manpower Commission was now constituted as a tripartite multiparty body. Although jobs at the higher level were no longer reserved for the Whites, the situation of Black workers had not changed, since they still did not have access to the necessary training.

36. The Public Service Act of 1993, which deals with civil servants, was passed in May 1993. However, those positive developments had not yet improved the situation of domestic workers and the estimated 1,000,000 farm workers. It was reported that two bills concerning domestic and farm-workers were still pending before Parliament.

37. According to information received, numerous arms were in the hands of the civilian population and in particular, under the government scheme of state subsidy, White farmers were heavily armed, which would further complicate the social relationship between farmers and their employees. Employers and workers as such were not participating in the constitutional negotiations and that could undermine workers' rights.

38. Farm-workers were totally dependent on the owner of the farm for family accommodation and sometimes schooling provided by some farmers. It was reported that that could well prevent the farm-workers from organizing themselves.

VII. CONSTITUTIONAL NEGOTIATIONS

39. After agreement during the multilateral talks was reached in early September on the formation of a Transitional Executive Council, the South African Parliament approved it on 23 September 1993. On 24 September 1993, Mr. Nelson Mandela addressed the General Assembly and asked for the removal of economic sanctions against South Africa.

VIII. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

40. The Ad Hoc Working Group of Experts regrets that the Government of South Africa has not permitted the Group to visit the country in order to evaluate the prevailing situation of human rights in South Africa in conformity with Commission on Human Rights resolution 1993/9.

41. The right to life continues to be violated with impunity. In August 1993 alone 554 deaths were recorded as a result of the violence in the country. During the first seven months of 1993, 2,000 people were killed as a result of political violence. As far as the death toll is concerned, there is clearly direct or indirect responsibility of the security forces.

42. The rise in the death toll after the decision to hold Constituent Assembly elections in April 1994 raises suspicion of deliberate action by certain right-wing forces to frustrate the democratic process.

43. Endemic violence constitutes a key element in the South African crisis. According to the different testimonies submitted to the Working Group, it is mainly due to political rivalries and the so-called "third force", a clear reference to the role of the police and security forces. It is evident that without an end to the escalation of violence and a much more rapid and efficient preventive action or intervention by the police, this situation will inevitably reduce the chances for peaceful and democratic solution of the political crisis and the total elimination of the system of apartheid.

44. Detentions without trial under sections 29 and 50 of the Internal Security Act and under the Unrest Areas Regulations continue to violate individual freedoms in South Africa and should therefore be abolished. The Ad Hoc Working Group is also concerned about detentions without trial in the so-called "homelands", particularly in Bophuthatswana.

45. During the first seven months of 1993, 25 deaths in police custody were recorded. The Ad Hoc Working Group is seriously concerned that deaths in police custody are still taking place in South Africa. It urges the Government of South Africa to ensure that all necessary measures are taken to put a stop to this gross violation of the right to life and in this connection it hopes that the Police Board, which may be operational by the end of 1993, will have a positive role to play.

46. The system of homelands, which is widely condemned by the international community, is still in force despite the repeal in 1991 of major apartheid laws. It appears, from the steps recently taken to incorporate more land into the so-called "self-governing territories", that the Government of South Africa still intends to perpetuate the Bantustan system. It is also curious that the 1993 law providing for possible revocation of homeland status is conditional upon the consent or request of the Government of the self-governing territory concerned.

47. The Working Group considers that the whole issue of freedom of the press as well as the question of responsible reporting needs careful attention. Objective assessment and the right of the people to information is a question of particular importance at a time when proposals are under consideration regarding the freedom of expression.

48. The Working Group notes that there are various factors that have led to attempts to curb the freedom of the press through violent measures. While important and fundamental principles are being decided upon during the current constitutional negotiations, freedom of expression must receive the attention it merits.

49. The population of children in South Africa in 1991 was recorded as 17,585,922. Compulsory education is not available to Black children. Children of different races are treated differently and are covered by separate departments.

50. While appreciating the measures already taken to introduce reforms relating to the rights of workers in the agricultural, domestic and public service sectors, the Working Group notes with concern the fact that such measures do not sufficiently conform to the international labour standards governing the tripartite partners all over the world.

51. The political atmosphere improved significantly after the agreement reached at the multiparty conference on the establishment of a Transitional Executive Council and a previous accord fixing elections for 27 April 1994.

52. In that context, the Group sees the removal of the trade and economic sanctions against South Africa proposed by Mr. Nelson Mandela as an important step in the process of reintegration of the country into the international community.

53. However, the hostile stand of the White extreme right and the local authorities in three Bantustans, KwaZulu, Bophuthatswana and Ciskei, the discriminatory behaviour of the security forces in South Africa and the increasing violence throughout the country could jeopardize the proper functioning of the Transitional Executive Council, the forthcoming elections and the reintegration of South Africa into the international community.

54. The failure of the South African authorities to protect all citizens on an equal footing has resulted in the accumulation in private hands of an enormous amount of weaponry acquired for self-defence.

B. Recommendations

55. The government institutions, in particular the South African Police and the Defence Force, should demonstrate greater determination to curb the escalating violence and take responsibility for guaranteeing security to all citizens without discrimination. The right-wing tendencies of some members of the police and army affecting their official activities must be investigated and, where proven, the individuals concerned retired forthwith.

56. Attempts should be made to educate members of the security forces through retraining of the security personnel in accordance with international standards.

57. The Ad Hoc Working Group recommends that sections 29 and 50 of the Internal Security Act and other remaining repressive regulations should be abolished and that similar regulations applicable in the homelands should be scrapped at the same time.

58. A general amnesty should be given to all those under sentence of death for anti-apartheid activities that could be regarded as politically motivated.

59. It is recommended that the death penalty should be abolished immediately and that the sentences of all prisoners on death row should be replaced by other forms of punishment.

60. The Bantustan system, which was established unilaterally by the Government of South Africa without consultation with the territories concerned, should be

speedily abolished without the prerequisite request or consent of the nominally independent homelands or the self-governing territories.

61. The Group hopes that freedom of expression will be considered by all negotiating parties as one of the fundamental human rights.

62. While the recently adopted proposal to introduce nine years' compulsory education is laudable, the Government of South Africa should take urgent and deliberate measures to provide the necessary human and material resources. The international community should also assist in this regard.

63. It is recommended that the Government of South Africa invite ILO to advise on changes to be introduced in order to comply with international labour standards.

64. Any interim constitution should contain all the recognized international norms in the field of human rights.

65. With the assumption of responsibility to guarantee public safety without discrimination, the Government should take firm measures for the surrender of all weapons presently in private hands.

Notes

1/ E/CN.4/1993/14, paras. 133-138, p. 36.

2/ See E/CN.4/1993/14, paras. 164-170.